

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educator Certificate of)	ORDER OF SUSPENSION
)	
Presley S. Salmon,)	(BREACH OF CONTRACT)
)	
<u>Certificate 251032</u>)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2016. On May 3, 2016, the South Carolina Department of Education (SCDE) served Presley S. Salmon a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Salmon received the notice on May 9, 2016, as evidenced by a signed postal receipt bearing her signature. She did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Salmon's educator certificate for a period of one year, commencing on August 9, 2016, and ending on August 8, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Edgefield County School District (District) recommending the suspension of the educator certificate of Presley S. Salmon for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Salmon holds a South Carolina educator certificate and has three years of teaching experience. Ms. Salmon signed a Contractual Agreement with the District to serve as a teacher at Merriwether Elementary School for the 2014-2015 school year. The District received Ms. Salmon's letter of resignation on October 27, 2014. This letter informed the District that on November 7, 2014, Ms. Salmon would be leaving the District for work outside of the education field. Ms. Salmon was aware of the resignation policy and that she did not receive school board approval to be released from her contract in accordance with District policy GCQC/GCQD. The

District informed Ms. Salmon that she was not duly released from her contract and that a formal complaint would be filed with the State Board. On December 17, 2014, the District reported this matter to SCDE, requesting that the State Board take disciplinary action on Ms. Salmon's educator certificate.

The SCDE, after four attempts, served Ms. Salmon with notice by certified mail. On May 3, 2016, the SCDE sent notice to Ms. Salmon, by regular and certified mail, return receipt requested, delivery restricted to addressee, informing her of her right to a hearing and that the State board would meet to make a determination regarding the possible suspension of her South Carolina educator certificate. On May 9, 2016, Ms. Salmon received the notice as evidenced by a signed postal receipt bearing her signature. She did not request a hearing in this matter and is in default. Ms. Salmon contacted the SCDE Office of General Counsel on July 14, 2016, and stated she did not object to the suspension of her educator certificate for one year. After considering the evidence presented, the State Board voted to suspend Ms. Salmon's educator certificate for a period of one year, commencing on August 9, 2016, and ending on August 8, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Ms. Salmon breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Edgefield County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Presley S. Salmon, certificate 251032, for a period of one year, commencing on August 9,

2016, and ending on August 8, 2017. If Ms. Salmon wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Salmon shall also pay the applicable reinstatement fee. The suspension of Presley S. Salmon's educator certificate 251032 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

August 9, 2016